

ENTERED

October 02, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL ACTION NO. 5:23-cr-907-1
	§	
ARMANDO MORALES-FLORES	§	

ORDER


Before the Court is Defendant Armando Morales-Flores’s Motion for Trial or Disposition of all Charges (Dkt. No. 43). Therein, Defendant requests “to be brought to trial within 90 days” or have all pending charges dismissed pursuant to California Penal Code §§ 1381.5, 1382, and 1385 (Dkt. No. 43 at 1). Notwithstanding Defendant’s California state law citations, the Court construes this motion as brought under the Speedy Trial Act, 18 U.S.C. §§ 3161–3174. *See Bloate v. United States*, 559 U.S. 196, 198–99 (2010) (“The Speedy Trial Act of 1974 requires that a criminal defendant’s trial commence within 70 days after he is charged or makes an initial appearance, whichever is later, *see* § 3161(c)(1) and entitles him to dismissal of the charges if that deadline is not met, *see* § 3162(a)(2).” (cleaned up)).

But fatal to his motion, Defendant pleaded guilty to the crime for which he was awaiting trial (Min. Ent. Oct. 11, 2023; Dkt. Nos. 26, 28). Nor are there any other “charges currently pending against him” in this Court (Dkt. No. 43 at 1). Absent a collateral challenge to the plea’s validity, Defendant’s guilty plea waived all non-jurisdictional defects, including any alleged violation of his speedy trial right. *See Nelson v. Hargett*, 989 F.2d 847, 850 (5th Cir. 1993) (citations omitted). Even if Defendant’s Speedy Trial claim were not waived, his right was not infringed—only 64

days lapsed between his indictment and entry of his guilty plea (Min. Ent. Oct. 11, 2023; Dkt. Nos. 14, 26, 28); *see United States v. Cruz-Miguel*, No. PE:20-CR-00056-1, 2023 WL 2518884, at *5 (W.D. Tex. Mar. 14, 2023) (disposing of a defendant's alleged speedy trial violation occurring under a comparable two-month timeline) *report and recommendation adopted*, No. PE:20-CR-00056-1, 2023 WL 3066228 (W.D. Tex. Apr. 24, 2023), *aff'd*, 837 F. App'x 302 (5th Cir. 2021). Accordingly, Defendant's motion (Dkt. No. 43) is meritless and is hereby **DENIED**.

It is so **ORDERED**.

SIGNED October 2, 2024.


Marina Garcia Marmolejo
United States District Judge